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**Patent and Trademark Office**

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CH

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/801,458	02/18/97	KOBATA	KOB 182

LM02/0305

PATENT ADMINISTRATOR  
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EXAMINER
TITCOMB, W

ART UNIT	PAPER NUMBER
2757	

DATE MAILED:

03/05/99

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/801,458

Applicant(s)

Kobata

Examiner

William Titcomb

Group Art Unit

2757



☒ Responsive to communication(s) filed on 11-30-98

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) 1 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 2-26 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**Part III. DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-14, filed November 30, 1998 have been fully considered but they are not persuasive. Applicant, on page 8, states that "Filepp does not teach transmitting the software for ascertaining demographic information from the service provider to the client system ...".
2. Applicant is encouraged to review Filepp, especially items 532 and 534, a program call segment and a data segment which operate on, for example, a program object 508 (see, FIG. 9, col. 91, lines 17-46).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Collins, III, et al. (U.S. Patent No. 5,845,090).
5. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Johnson, et al. (U.S. Patent No. 5,878,384).

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***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Titcomb whose telephone number is (703) 305-0081.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess, can be reached on (703) 305-4792. The facsimile number for this Group is (703) 308-5357. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group's Receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 308-9051, (for formal communications intended for entry)**

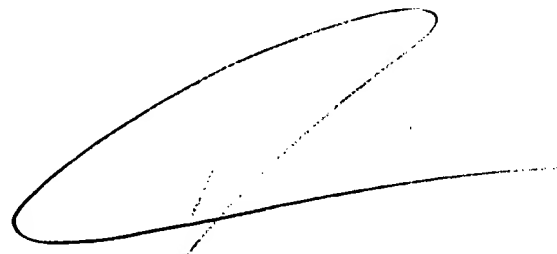
**or:**

**(703) 308-5357 (for informal or draft communications please label  
"PROPOSED" or "DRAFT");**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington VA., Sixth Floor (Receptionist).

wdt

March 2, 1999

A large, stylized handwritten signature in black ink, consisting of a large loop and a long horizontal stroke.

**ELLIS B. RAMIREZ  
PRIMARY EXAMINER**